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EXAMINER

EDWARDS, PATRICK L

ART UNIT PAPER NUMBER

2621

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,271

Applicant(s)

LAFAGE ET AL.

Examiner

Patrick L Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The response received on September 8, 2004 has been placed in the file and was considered by the examiner. An action on the merits follows.

Response to Arguments

2. The applicant's arguments, filed on September 8, 2004, have been fully considered. A response to these arguments is provided below.

35 USC 112, Second Paragraph Rejections

Summary of Argument: In the previous office action, claims 1-3 were rejected under 35 USC § 112(2) on two separate and distinct grounds.

The first grounds of rejection was related to the term "data item", which lacked antecedent basis in the claim. The applicant has amended the claims to correct this problem, and argues that the rejection should be withdrawn.

The claims were additionally rejected because the metes and bounds of the word "terminal" as recited in the claim were not clear, and there was not a clear definition of this term in the specification.

Examiner's Response: Referring to the first grounds of rejection, the applicant has amended around the antecedent problems, and the rejection is hereby withdrawn.

Referring to the second grounds of rejection, the applicant has amended the claim by adding that the data processing circuit contains a plurality of terminals. On page 5 of the 'remarks', applicant states that this amendment was made to indicate that a "terminal" is associated with a processor. However, this does not help in defining the metes and bounds of the term. The examiner asserts that this term is still indefinite as currently claimed. What does it mean that a terminal is associated with a processor? Is it strictly an input to a processor? Are the terminals located within the processor itself? What do these terminals do?

These questions and many others are still not clear, and therefore the second grounds of rejection under 35 USC § 112(2) will not be withdrawn.

35 USC § 101 Rejections

Summary of Argument: Claim 3 was rejected in the previous office action as being directed towards non-statutory subject matter. Applicant has adopted the examiner's suggestion and amended the claim accordingly.

Examiner's Response: The prior rejection is hereby withdrawn.

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Prior Art Rejections

Summary of Argument: Applicant traverses the 35 USC § 102(e) rejection to claims 1-3 from the previous action, and argues that Gratacap (USPN 6,195,368) fails to disclose each and every element of the claimed invention.

Applicant first argues that the status bits of Gratacap are not the same as the SCD recited in the claim, because the Gratacap status bits are used to determine whether a process has been completed or not completed (applicant's remarks pg. 6).

Secondly, applicant argues that Gratacap fails to disclose that status bits are used to determine the validity of a transport packet. Specifically, applicant asserts that status bits of Gratacap are used to determine whether the transport packet has been processed, and that this precludes the status bits from determining transport packet validity (applicant's remarks pg. 7).

Finally, applicant argues that Gratacap fails to disclose applying a valid data item when the data is indicated to be invalid. Specifically, applicant argues that Gratacap performs no operation to replace or compensate for invalid data (applicant's remarks pg. 7).

Examiner's Response: Applicant's arguments have been fully considered, but are not persuasive.

With regard to the applicant's argument that the status bits of Gratacap are not the same as the SCD recited in the claim, the claim merely calls for the SCD to indicate whether a data item is valid or invalid. At col. 17 lines 28-35, Gratacap discloses that the status bits indicate whether a data item is valid or invalid. Thus, the claimed limitation is met by the Gratacap reference.

With regard to the applicant's second argument, applicant again argues that the Gratacap status bits fail to determine the validity of a transport packet (i.e. data item). Again, the examiner disagrees. Applicant has cited several excerpts from the Gratacap disclosure, and claims that these excerpts show how Gratacap cannot meet the limitations of the claim. However, it does not appear as if the applicant's arguments are pertinent to the claimed subject matter. The claim merely calls for an additional control data item (i.e. status bit) which indicates the validity of a data item (i.e. transport packet). This is clearly disclosed in Gratacap at col. 17 lines 22-35. This excerpt discloses status bits which indicate the status of descriptors which point to transport packets. Therefore, these status bits indicate the validity of the transport packets, and are sufficient to meet the claimed limitations.

With regard to applicant's final argument, Gratacap discloses modifying the PID filter maps to retain valid data items and discard invalid data items. This PID filter map modification includes a modification of the pointers to include the valid data items and discard the invalid data items (Gratacap col. 32 lines 37-53). Thus, Gratacap reference meets the claimed limitation of 'applying a valid data item instead of an invalid data item' whenever this situation arises.

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 1-3, the metes and bounds of the word “terminals” as recited in the claims are not clear. Furthermore, the specification fails to provide a clear and unambiguous definition of this term.

Claims 4-6 are rejected because they depend on indefinite claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Regis Gratacap (USPN 6,195,368 B1). This document will be referred to herein as ‘Gratacap’ or ‘the Gratacap reference’.

With regard to claim 1, which is representative of claim 2, Gratacap discloses an input circuit for forming successive groups of data.

Gratacap discloses a remultiplexer 30 (shown in Figure 1), which comprises a plurality of remultiplexer nodes 100 (shown in Figure 4). An individual remultiplexer node, all of which are identical (col. 13 lines 49-51), is shown in Figure 2 in more detail. The remultiplexer of Gratacap is operable to form transport streams (col. 12 line 60 – col. 13 line 9). The remultiplexer and transport streams disclosed in Gratacap are analogous to the “input circuit” and “successive groups of data”, respectively, as recited in the claim. The transport streams are clearly described in the Gratacap reference as a group of data (Gratacap col. 3 line 1 – col. 4 line 59).

Gratacap further discloses generating a basic control data item, which indicates for each data item one of a plurality of terminals to which the data item should be applied (col. 32 lines 27-54 in conjunction with Figure 2). The transport packets disclosed in Gratacap are analogous to the data items recited in the claim. These transport packets are what make up the transport stream (col. 3 line 1 – col. 2 line 59). The filter maps disclosed in Gratacap are analogous to the “basic control data item” recited in the claim, because they indicate the new locations in cache that the transport packets are applied (i.e. re-mapped). These new locations in the cache as disclosed in Gratacap are analogous to the terminals as recited in the claim.

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Gratacap further discloses an additional control data item (the “status bits” disclosed in Gratacap), which indicates for each data item (i.e. transport packet), if the data item is valid or invalid (col. 17 lines 22-44).

Gratacap further discloses an interconnection network for applying the successive groups of data (i.e. transport packets) to the terminals (i.e. locations in cache) in dependence on the basic control data item (ie. PID filter map) and on the additional control data (i.e. status bits) (col. 32 lines 27-53 of the Gratacap reference). Gratacap discloses that the valid data items (i.e. transport packets to be retained from col. 32 line 48) are applied when an existing data item is deemed invalid (i.e. transport packets to be discarded from col. 32 line 51).

Gratacap further discloses a data processing circuit for processing the data applied to the terminals in order to obtain an output data item (Gratacap col. 32 lines 6-23). The processor 160 disclosed in Gratacap processes the data applied to the terminals (i.e. the transport packets stored in the cache) to obtain an output data item (i.e. the output data items which are included in the transmit stream TS3 disclosed in Gratacap .

Referring to claims 4 and 5, the limitations of the claims are addressed in the above rejection to claims 1 and 2, respectively. This limitation is addressed in the paragraph which discusses generating a basic control data item. The new locations in the cache where the transport packets are re-mapped are analogous to the “terminals [1, 2, 3, 4]” recited in the claim.

With regard to claims 3 and 6, computer-readable recording medium that stores a program (i.e. the claimed “computer program product”) which causes the computer to execute the steps of a method is essential if the image processing method disclosed in Gratacap is to function. Therefore, a computer program product stored on a computer-readable recording medium is inherently taught by the Gratacap reference.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick L Edwards whose telephone number is (703) 305-6301. The examiner can normally be reached on 8:30am - 5:00pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

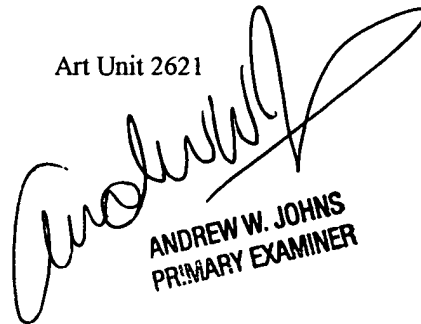
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Patrick L Edwards

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ANDREW W. JOHNS
PRIMARY EXAMINER